

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

IN RE:	§	
	§	
HOUTEX BUILDERS, LLC, <i>et al.</i>	§	CASE NO. 18-34658
	§	
415 SHADYWOOD, LLC	§	CASE NO. 18-34659
	§	
2203 LOOSCAN LANE, LLC	§	CASE NO. 18-34660
	§	Jointly Administered
	§	
DEBTOR(s)	§	CHAPTER 11

**CD HOMES, LLC'S MOTION SEEKING ENTRY OF  
ADDITIONAL FINDINGS OF FACT AND CONCLUSIONS OF LAW**

TO THE HONORABLE JEFFREY P. NORMAN  
UNITED STATES BANKRUPTCY JUDGE:

NOW COMES CD Homes, LLC ("***CD Homes***") and files this Motion Seeking Entry of Additional Findings of Fact and Conclusions of Law (the "***Motion***") and will respectfully show the Court as follows:

**I. JURISDICTION AND VENUE**

1. This Court has jurisdiction over this Motion under 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue is proper in this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

**II. BACKGROUND**

2. On August 23, 2018, HouTex Builders, LLC ("***Debtor***") filed its Chapter 11 voluntary petition.

3. The Court held a two-day preliminary trial to determine the contractual relationships and agreements between Debtors and CD Homes on May 28 and May 29, 2020 and entered an interim order containing findings of fact and conclusions of law on June 4, 2020 [Dkt.

508] (the “*Interim Order*”).

4. The Interim Order required parties seeking clarification or additional findings of fact or law to file motions not later than June 23, 2020.

5. CD Homes files this Motion in accordance with the Interim Order.

6. The Interim Order found that “... the written Contracts between the debtors and CD Homes establish the contractual relationship between the Debtors and CD Homes, except where the contracts are incomplete, silent, or vague.”<sup>1</sup>

7. The Interim Order also found that “... the party responsible for any construction delay should be responsible for any costs associated with such delay.”<sup>2</sup>

8. The evidence at trial established additional facts relevant to the contractual relationships and agreements between Debtors and CD Homes, the incompleteness of the written Contracts, and other relevant events and actions of the parties which were not included in the Interim Order.

9. Accordingly, CD Homes seeks entry of the additional findings of fact and conclusions of law attached to this Motion as **Exhibit 1**.

WHEREFORE, PREMISES CONSIDERED, CD Homes prays that its Motion Seeking Entry of Additional Findings of Fact and Conclusions of law be granted, that the Court enter the additional findings of fact and conclusions of law described in **Exhibit 1**, and for such other and further relief to which movant may be justly entitled.

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<sup>1</sup> See Interim Order, p. 12; ¶ 2.

<sup>2</sup> See Interim Order, p. 12; ¶3.

Dated: June 23, 2020

Respectfully submitted,

FUQUA & ASSOCIATES, PC

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing CD Homes, LLC's Motion Seeking Entry of Additional Findings of Fact and Conclusions of Law was forwarded by ECF to the party listed below on June 23, 2020 :

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